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***NO CHANGE IN JUDGMENT***

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

PEOPLE,

Plaintiff and Respondent,

v.

BERKLEY R. RODRIGUEZ,

Defendant and Appellant.

B169227

(Super. Ct. No. BA238426)

***ORDER MODIFYING OPINION***

THE COURT: \*

It is ordered that the opinion filed herein on January 31, 2005, be modified as follows:

By striking from the caption on Page One:

“Berkley R. Rodriguez, Defendant and Appellant.”

By adding to the caption on Page One:

“Berkley R. Rodriguez, Defendant and Appellant.”

By striking on Page Two, first paragraph:

“Following a jury trial, appellant Berkley L. Rodriguez was convicted of one count of forcible sodomy (Pen. Code, § 286, subd. (c)(2)) and one count of unlawful possession of cocaine (Health & Saf. Code, § 11350, subd. (a).)”

By adding on Page Two, first paragraph:

“Following a jury trial, appellant Berkley L. Rodriguez was convicted of one count of forcible sodomy (Pen. Code, § 286, subd. (c)(2)) and one count of unlawful possession of cocaine (Health & Saf. Code, § 11350, subd. (a).)”

By striking on Page 17, lines 6 and 7:

“The trial court sentenced appellant to consecutive terms, imposing the high the term on both count 1 and count 7.”

By adding on Page 17, lines 6 and 7:

“The trial court sentenced appellant to concurrent terms, imposing the high term on both count 1 and count 7.”

This modification effects no change in the judgment.

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COOPER, P. J.

RUBIN, J.

BOLAND, J.